

09/28/01

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PTO/SB/05 (03-01)

Please type a plus sign (+) inside this box ☒

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	E30-052 (00-198)
First Inventor	Douglas E. LeCrone
Title	Method and Apparatus for Enhancing Access to Redundant Data Storage Facilities
Express Mail Label No.	ef146680735US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 38]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 9]
- Oath or Declaration [Total Pages 2]
  - ☐ Newly executed (original or copy)
  - ☐ Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
*(when there is an assignee)*
- ☐ English Translation Document *(if applicable)*
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
- ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
- ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label ☒ Correspondence address below

Name	George A. Herbster, Esq.				
	Hrbor's Point, Suite 303				
Address	40 Beach Street				
City	Manchester	State	MA	Zip Code	01944
Country	US	Telephone	(978)526-8111	Fax	526-8062

Name (Print/Type)	George A. Herbster	Registration No. (Attorney/Agent)	24,002
Signature	<i>George A. Herbster</i>	Date	9/28/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

09/28/01 JC893 U.S. PTO

PTO/SB/17 (09-00)  
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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 840.00

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	Douglas E. LeCrone
Examiner Name	
Group Art Unit	
Attorney Docket No.	E30-052 (00-198)

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 05-0889  
Deposit Account Name EMC Corporation

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee Code	Fee Description	Fee Paid
101	201	355		Utility filing fee	710
106	206	160		Design filing fee	
107	207	245		Plant filing fee	
108	208	355		Reissue filing fee	
114	214	75		Provisional filing fee	

SUBTOTAL (1) (\$ 710

### 2. EXTRA CLAIM FEES

Total Claims 18 -20\*\* = 3 X Fee from below = Fee Paid  
Independent Claims 2 -3\*\* = 0 X Fee from below = Fee Paid  
Multiple Dependent Claims 0 X Fee from below = Fee Paid

Large Entity	Small Entity	Fee Code	Fee Code	Fee Description
103	203	9		Claims in excess of 20
102	202	40		Independent claims in excess of 3
104	204	135		Multiple dependent claim, if not paid
109	209	40		** Reissue independent claims over original patent
110	210	9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee Code	Fee Description	Fee Paid
105	205	65		Surcharge - late filing fee or oath	130
127	227	25		Surcharge - late provisional filing fee or cover sheet	
139	239	130		Non-English specification	
147	247	2,520		For filing a request for ex parte reexamination	
112	212	920*		Requesting publication of SIR prior to Examiner action	
113	213	1,840*		Requesting publication of SIR after Examiner action	
115	215	55		Extension for reply within first month	
116	216	195		Extension for reply within second month	
117	217	445		Extension for reply within third month	
118	218	695		Extension for reply within fourth month	
128	228	945		Extension for reply within fifth month	
119	219	155		Notice of Appeal	
120	220	155		Filing a brief in support of an appeal	
121	221	135		Request for oral hearing	
138	238	1,510		Petition to institute a public use proceeding	
140	240	55		Petition to revive - unavoidable	
141	241	620		Petition to revive - unintentional	
142	242	620		Utility issue fee (or reissue)	
143	243	220		Design issue fee	
144	244	300		Plant issue fee	
122	222	130		Petitions to the Commissioner	
123	223	50		Petitions related to provisional applications	
126	226	240		Submission of Information Disclosure Stmt	
581	581	40		Recording each patent assignment per property (times number of properties)	
146	246	355		Filing a submission after final rejection (37 CFR § 1.129(a))	
149	249	355		For each additional invention to be examined (37 CFR § 1.129(b))	
179	279	355		Request for Continued Examination (RCE)	
169	269	900		Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130

## SUBMITTED BY

Name (Print/Type) George A. Herbster  
Signature

Registration No. 24,002  
(Attorney/Agent)

## Complete (if applicable)

Telephone (978) 526-8111  
Date 9/28/2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor | Douglas E. LeCrone

Title	Method and Apparatus for Enhancing Access to Redundant Data Storage Facilities
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Atty Docket Number	E30-052 (00-198)
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I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

9/28/2001  
Date

  
Signature

George A. Herbst

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**